

DARLENE V. CRONIN,) C.A. No. 4:09-1042-HMH-TER
)
 Plaintiff,)
)
 v.) **OPINION & ORDER**
)
 MICHAEL J. ASTRUE,)
 Commissioner of Social Security,)
)
 Defendant.)

On order of the Court, this case will be remanded to the Appeals Council. The Appeals Council will vacate the ALJ's decision in its entirety and remand the matter for a *de novo* hearing and a new decision. The Appeals Council will direct the ALJ to obtain and enter into the administrative record all of the evidence upon which the ALJ's decision will be based, including (but not limited to): lay witness statements from James Cronin and Gabrielle Van Copeland; letters from Plaintiff's representative dated September 26, 2005 and June 13, 2006; and the prior unfavorable decision rendered by an ALJ on July 16, 2001. In addition to being instructed to include the agency's prior unfavorable decision of July 2001 in the record, the ALJ will be instructed to include in the record all evidence considered in reaching the agency's July 2001 decision, for the purpose of application of Acquiescence Ruling 00-1(4) and *Albright v. Comm'r of the Soc. Sec. Admin.*, 174 F.3d 473 (4th Cir. 1999). The ALJ will also be directed to address the lay opinion evidence in accordance with Social Security Ruling 06-03p.

Pursuant to the power of this Court to enter a judgment affirming, modifying, or reversing the Commissioner's decision with remand in Social Security actions under sentence four of 42 U.S.C. § 405(g), and in light of the Commissioner's request for remand of this action for further proceedings, this Court hereby

REVERSES the Commissioner's decision under sentence four of 42 U.S.C. § 405(g) with a **REMAND** of the cause to the Commissioner for further administrative proceedings as set out above.¹ *See Shalala v. Schaefer*, 509 U.S. 292 (1993).

IT IS SO ORDERED.

s/Henry M. Herlong, Jr.
Senior United States District Judge

December 17, 2009
Greenville, South Carolina

¹The Clerk of Court will enter a separate judgment pursuant to the Federal Rules of Civil Procedure, Rule 58.